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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

NATIONAL STEEL CAR LIMITED,

Plaintiff,

v.

GREENBRIER-CONCARRIL LLC,
GREENBRIER LEASING COMPANY,
LLC, and GREENBRIER-GIMSA, LLC,

Defendants.

Case No.: 3:20-cv-01275-YY

JOINT MOTION REGARDING BRIEFING
ON UPCOMING SUMMARY JUDGMENT
MOTIONS

EXPEDITED CONSIDERATION
REQUESTED

Plaintiff National Steel Car Limited (“NSC”) and Greenbrier hereby jointly and respectfully move to increase the limits for summary judgment memoranda from 11,000 words, or in the alternative, 35 pages, to 16,000 words, or in the alternative, 50 pages. *See* LR 7-2(b)(1). The parties will only each file a single summary judgment motion pursuant to the increased limit for the memoranda.

Because summary judgment motions are due November 14, 2022 (ECF No. 177), the parties respectfully request EXPEDITED CONSIDERATION of this Motion.

Good cause exists for granting the Motion. This patent case involves numerous factual and legal issues that have minimal overlap with one another, and thus require extensive briefing to properly frame the issues for the Court. NSC has accused four different Greenbrier gondolas—two different capacity gondolas and two different configurations of each capacity—of infringing 20 patent claims across two different patents, each of which is over 65 pages long. There are multiple distinct factual and legal issues to brief on the infringement issues alone. NSC also seeks two different forms of damages—lost profits and a reasonable royalty; and Greenbrier asserts invalidity based on three primary prior-art references and three secondary prior-art references. Not only does good cause exist for the proposed increased page limits, but fully briefing these issues at the summary-judgment stage is likely to substantially reduce the number of issues for trial. *See* Fed. R. Civ. P. 56(g). The parties agree that this motion will not preclude either party from seeking a further extension of the memoranda limit, if needed as the parties finalize their respective summary judgment motions, provided such party can establish good cause to further extend the limit.

In light of the foregoing, the parties respectfully request that the Court enter the proposed order below:

1. The parties will each file a single summary judgment motion with the memoranda limit under Local Rule 7-2(b)(1) increased to 16,000 words, or in the alternative, 50 pages. This limit includes headings, footnotes and quotations, but excludes the caption, table of contents, table of cases and authorities, signature block, exhibits, and any certificates of counsel.

DATED: October 21, 2022.

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